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14 November 1994

ORGANIZATION MANUAL

Functions and organization of the

OFFICE OF LEGAL AFFAIRS

SECRETARY-GENERAL'S BULLETIN

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ST/SGB/Organization
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14 November 1994

SECRETARY-GENERAL'S BULLETIN

To: Members of the staff

Subject: OFFICE OF LEGAL AFFAIRS

1. This bulletin establishes the current functions and organization of the Office of Legal Affairs.

2. Document ST/SGB/Organization, Section: OLA of 17 October 1989, which described the earlier organization and functions of the Office, and Section X of May 1976, which described the organization and functions of the Secretariat of the Third United Nations Conference on the Law of the Sea, are hereby superseded.

Boutros BOUTROS-GHALI
Secretary-General

OFFICE OF LEGAL AFFAIRS

An overview

The Preparatory Commission of the United Nations envisaged the legal service as one of "the principal units of the Secretariat". The Legal Department was established pursuant to General Assembly resolution 13 (I) of 13 February 1946. To reflect more clearly its role in providing legal advice to the Secretary-General and acting on his behalf in legal matters, its name was changed in 1953 to Office of Legal Affairs. In March 1992, as a result of the restructuring of the Secretariat, the Office for Ocean Affairs and the Law of the Sea (established by the General Assembly in its resolution 38/227 A of 20 December 1983) was integrated into the Office of Legal Affairs. The Office:

Serves as a unified central legal service for the Secretariat and other United Nations organs and, in this capacity, advises them on questions of international and national, public, private and administrative law;

Deals with questions concerning privileges and immunities and the legal status of the Organization;

Prepares drafts of international conventions, agreements, rules of procedure of United Nations organs and conferences and other legal texts;

Deals with questions relating to credentials of permanent representatives to the United Nations and representatives to United Nations organs and conferences;

Provides legal liaison between Headquarters and United Nations organs, offices and field missions elsewhere and, where necessary and as far as possible, provides legal advisers to field missions;

Discharges the Secretariat's responsibilities under Article 102 of the Charter of the United Nations regarding the registration and publication of treaties and the Secretary-General's responsibilities as the depositary for multilateral conventions;

Discharges the Secretary-General's responsibilities under the Statute of the International Court of Justice, except those of a budgetary nature;

Represents the Secretary-General in judicial proceedings, negotiations or other procedures for the settlement of disputes of a legal character;

Provides secretariat services for the Sixth Committee of the General Assembly, the International Law Commission, the United Nations Commission on International Trade Law, the institutions established by the United Nations Convention on the Law of the Sea, the United Nations Administrative Tribunal, the Committee on Applications for Review of Administrative Tribunal Judgements and other committees or conferences dealing with legal matters;

Prepares, reviews and coordinates studies for the Repertory of Practice of United Nations Organs and maintains a record of the practice of the General Assembly in procedural matters;

Prepares United Nations publications and articles on legal matters;

Prepares studies to assist the progressive development of international law and its codification;

Provides assistance in the teaching, study, dissemination and wider appreciation of international law.

Organizational elements and their functions

UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS - THE LEGAL COUNSEL

Performs the functions of a head of department/office, as described in the introductory section of this Manual. In addition, performs the following functions:

Deals with questions referred to him by the Secretary-General or his Office and with other important legal questions referred to him by other units of the Secretariat or United Nations organs;

Certifies legal instruments issued on behalf of the United Nations;

Represents the United Nations or the Secretary-General at meetings and conferences dealing with matters of a legal nature and of concern to the United Nations;

Advises the Secretary-General on matters of law;

Convenes and represents the United Nations at meetings of the legal advisers of the United Nations system.

A. Executive Office

Carries out the standard functions of an executive office as described in the introductory section of this Manual.

B. Office of the Legal Counsel

Assists the Legal Counsel in the examination of legal questions referred to him by the Secretary-General, other units of the Secretariat or United Nations organs;

Assists the Legal Counsel in the administration of the Office of Legal Affairs, in the coordination of departmental and interdepartmental activities and in maintaining liaison with legal organs of the United Nations, United Nations offices established away from Headquarters, legal advisers or liaison officers assigned to field missions or other Secretariat units and international and national legal organizations;

Prepares legal opinions and studies and provides advice to United Nations organs and bodies and their subsidiaries, as well as to departments and offices of the Secretariat, on the interpretation of the Charter and rules of international public law, as well as treaties and United Nations resolutions and regulations, on the legal aspects of programmes and activities in which the Organization is engaged and on the drafting of international conventions and agreements, resolutions and regulations;

Prepares legal statements for United Nations organs and replies to legal questions received from Member Governments, organizations and the general public;

Deals with questions arising under Articles 104 and 105 of the Charter, the Convention on the Privileges and Immunities of the United Nations, the headquarters agreements with the United States of America and other host Governments and other instruments;

Maintains liaison with the International Court of Justice and discharges the legal responsibilities of the Secretary-General under the Statute of the Court, including the preparation of legal statements and the transmission of notices relating to judicial proceedings;

Provides advice on the legal aspects of peace-keeping missions and the Secretary-General's good offices, including the legal framework for new missions (troops and mission agreements) and territorial and terminological questions;

Prepares draft rules of procedure for United Nations organs and conferences;

Assists other units of the Office of Legal Affairs in their work and in the provision of secretariat services for legal meetings and conferences;

Prepares, reviews and coordinates studies for the Repertory of Practice of United Nations Organs and maintains a record of the practice of the General Assembly in procedural matters;

Deals with questions relating to the credentials of permanent representatives to the United Nations and representatives on United Nations organs, and provides secretariat services for the Credentials Committee.

1. GENERAL LEGAL DIVISION

Prepares legal opinions and studies and provides advice to United Nations organs and bodies and their subsidiaries, as well as departments and offices of the Secretariat, on the interpretation of the Charter, rules of administrative law of the Organization, international private law and United Nations resolutions and regulations, on legal aspects of programmes and activities in which the Organization is engaged and on the drafting of international conventions and agreements, resolutions and regulations;

Provides the full range of legal advice with regard to the commercial matters involving the administrative and operational activities of the Organization and its organs, including the negotiation, review and drafting of contracts for procurement of specialized systems, works, services and supplies, and advice on specific matters such as leases, insurance and intellectual property rights;

Provides legal advice to United Nations voluntary programmes and funds in connection with operational activities in the economic and social fields, including the interpretation of their mandates, regulations and rules, preparation and negotiation of standard texts of instruments, and advice on institutional modalities for cooperation in operational activities with other organizations of the United Nations system, Governments and other entities;

Provides legal advice and assistance concerning the legislative and operational arrangements governing the staffing, supply and provision of peace-keeping operations, including advice on the full range of commercial matters, and the development of modalities and agreements with States and non-governmental organizations for the supply of personnel and material;

When requested, examines evaluations and conclusions of joint disciplinary committees and of joint appeals boards; represents the Secretary-General before the Administrative Tribunal and provides factual and legal information to it, as requested, concerning cases on appeal before

the Tribunal; prepares submissions to the Committee on Applications for Review of Administrative Tribunal Judgements and documentation and briefs on behalf of the Secretary-General to the International Court of Justice in cases submitted to the Court by the Committee;

Provides legal advice and assistance with respect to the financial, personnel and pension matters of the United Nations, including the interpretation and application of the Financial Regulations and Rules, the Staff Regulations and Rules, the Regulations and Rules of the Joint Staff Pension Fund and administrative issuances;

Deals, on behalf of the Organization, with claims and disputes of an international and a private law character, negotiates settlements and participates in judicial and arbitral proceedings and claims;

Provides legal advice to and participates in meetings of United Nations bodies, such as the Committee on Contracts, the United Nations Joint Staff Pension Board and the United Nations Claims Board.

2. CODIFICATION DIVISION

Assists the International Law Commission and organs of the United Nations in matters relating to the progressive development of international law and its codification and, in respect of the foregoing, undertakes research, prepares studies, documentation, analytical compilations of background material and recommendations and assists in the preparation of drafts for international codification conventions;

Provides secretariat services for the Sixth Committee of the General Assembly and conferences on the progressive development of international law and its codification; also provides secretariat services for the International Law Commission and other specific bodies established by the General Assembly, e.g., the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

Prepares drafts of international conventions and agreements;

Carries out research on fundamental problems of international law upon the request of the International Law Commission and other bodies;

Prepares the Reports on International Arbitral Awards, the Legislative Series, the United Nations Juridical Yearbook and the Yearbook of the International Law Commission;

Assists in the dissemination of information regarding United Nations work on the codification and progressive development of international law.

3. DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

Provides advice and assistance to Member States, intergovernmental bodies, organizations of the United Nations system and the Secretariat on the implementation of the United Nations Convention on the Law of the Sea;

Prepares reports to the General Assembly, States parties to the Convention, all other States, the International Seabed Authority and competent international organizations on issues of a general nature and on specific developments relating to the legal regime for the oceans;

Discharges the specialized responsibilities of the Secretary-General under the Convention, inter alia, certain depositary and related functions; various functions relating to dispute settlement procedures; and the functions relating to charts and coordinates showing baselines, the outer limits and delimitation lines of various zones, as well as charts and relevant information, including geodetic data, on the outer limits of the continental shelf;

Services meetings of the States parties to the Convention and the Commission on the Limits of the Continental Shelf, as required under the Convention;

Prepares analytical studies on selected topics relating to the law of the sea and ocean affairs;

Conducts monitoring and research activities on developments of direct relevance to the implementation of the Convention and prepares studies and information materials on the practice of States in that context;

Prepares studies and provides direct advice and assistance to States and intergovernmental bodies relating to the legal, managerial, institutional, training, technological and information data requirements of coastal and ocean policy-making, planning and management;

Maintains a comprehensive information system and reference library on the law of the sea and ocean affairs, including computerized databases on legislative materials, ocean-related national profiles and marine mineral resources, and supports inter-agency information and data services;

Provides substantive support for technical cooperation activities involving the law of the sea and ocean affairs;

Provides training and fellowships in the field of the law of the sea and ocean affairs;

Provides support to the organizations of the United Nations system with a view to securing consistency of their marine-related activities with the legal regime established by the Convention and to promoting a concerted approach to the application and implementation of the Convention;

Provides advice and assistance to the organizations of the United Nations system in respect of the relationship between the Convention and numerous global and regional instruments;

Provides support to the organizations of the United Nations system for the progressive development of international law in accordance with the Convention;

Participates in and contributes to joint inter-agency activities and programmes.

4. INTERNATIONAL TRADE LAW BRANCH

Assists United Nations organs, bodies and conferences in matters relating to international trade law;

Collects and disseminates information on the law of international trade and relevant work of international organizations; assists in coordinating the work of these organizations and prepares the Register of Texts in international trade law and the Yearbook of the United Nations Commission on International Trade Law;

Provides substantive support to technical cooperation activities involving international trade law;

Provides training and assistance in the field of international trade law, taking into account the special interests of developing countries;

Carries out work in respect of contracts in the field of industrial development in connection with the legal implications of the new international economic order;

Provides secretariat services for the United Nations Commission on International Trade Law and its subsidiary bodies.

5. TREATY SECTION

Registers, files and records treaties and international agreements and prepares them for publication in the United Nations Treaty Series and issues the monthly Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat in accordance with Article 102 of the Charter;

Exercises the Secretary-General's depositary functions under multilateral treaties;

Issues the annual Multilateral Treaties Deposited with the Secretary-General; the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements;

Assists the Legal Counsel in the examination of legal questions concerning treaties, prepares relevant documentation in pursuance of decisions taken by the General Assembly and provides advice to other units of the Secretariat and to the specialized agencies;

Collaborates in the drafting of formal clauses of treaties and agreements concluded under United Nations auspices;

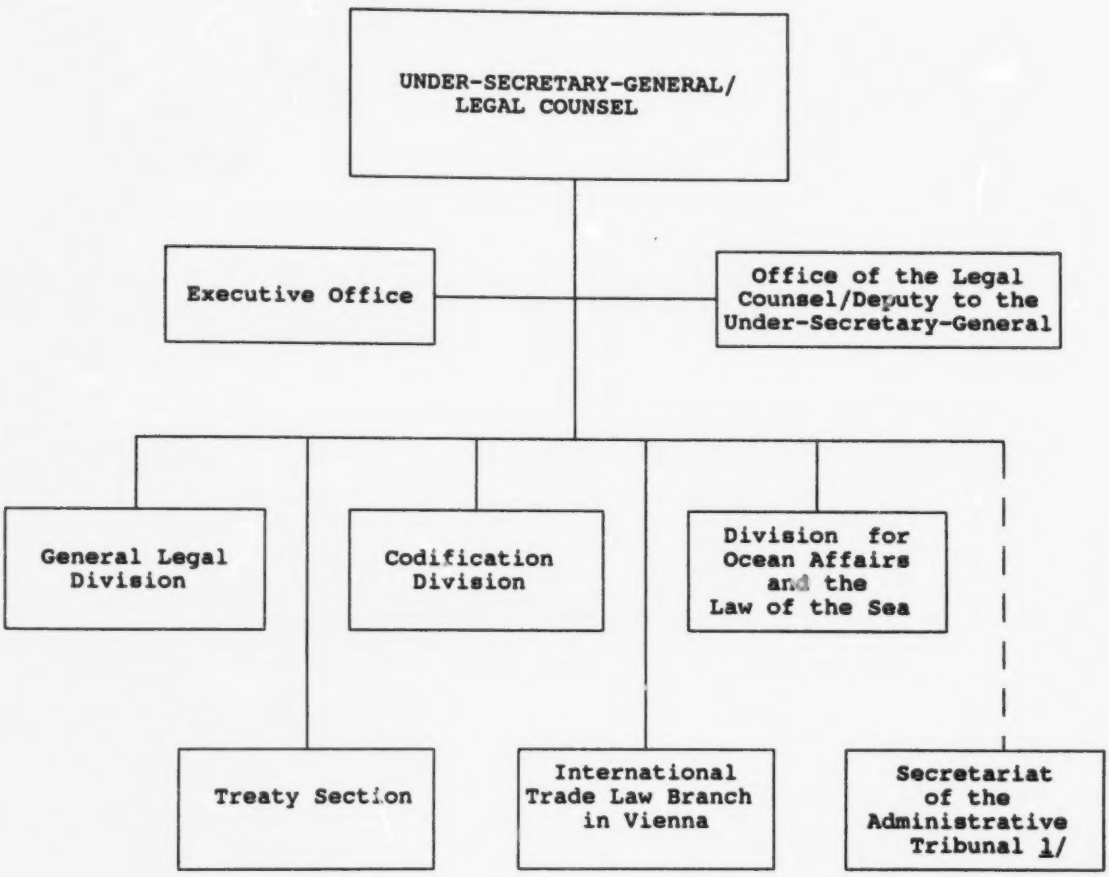
Serves as custodian of agreements concluded by the United Nations;

Answers inquiries regarding treaties and other international instruments.

6. SECRETARIAT OF THE ADMINISTRATIVE TRIBUNAL

Provides the Executive Secretary and secretariat services for the United Nations Administrative Tribunal. (In substantive matters, the Executive Secretary is exclusively responsible to the Tribunal.)

ORGANIZATIONAL STRUCTURE OF THE OFFICE OF LEGAL AFFAIRS


UNDER-SECRETARY-GENERAL/
LEGAL COUNSEL
Executive Office
Office of the Legal Counsel/Deputy to the Under-Secretary-General
General Legal Division
Codification Division
Division for Ocean Affairs and the Law of the Sea
Treaty Section
International Trade Law Branch in Vienna
Secretariat of the Administrative Tribunal 1/

1/ In substantive matters, the Secretariat (Executive Secretary) is exclusively responsible to the Administrative Tribunal.